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c 76 Commodity Board Members Act

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CHAPTER 76

Commodity Board Members Act

1.—(1) In this Act,

Interpre-
tation

- (a) “commodity board” means a local board under the *Farm Products Marketing Act* or a marketing board under the *Milk Act*; R.S.O. 1980,
cc. 158, 266
- (b) “plan” means a plan under the *Farm Products Marketing Act* or under the *Milk Act*;
- (c) “producer” means a person who is a producer under a plan;
- (d) “senior officer” means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;
- (e) “Tribunal” means the Farm Products Appeal Tribunal under the *Ministry of Agriculture and Food Act*. 1976, R.S.O. 1980,
c. 270
c. 7, s. 1 (1); 1978, c. 100, s. 5 (1).

(2) For the purposes of this Act, a member of a commodity board shall be deemed to have a controlling interest in a corporation if he beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding. 1976, c. 7, s. 1 (2).

2.—(1) No person shall become or continue to be a member of a commodity board while he, or a person with whom he is in partnership, or a corporation of which he is a senior officer or in which he has a controlling interest, is in contravention of the *Farm Products Marketing Act* or the *Milk Act* or any regulation or order thereunder in respect of the plan administered by the commodity board. Prohibition
against
being
member of
commodity
board

Idem

(2) Where a plan prescribes qualifications for a person to be elected or appointed a member of a commodity board, no person who does not conform with such qualifications shall assume office as a member of such commodity board, and, where a plan prescribes qualifications for a member of a commodity board to continue to be a member, no member of such commodity board shall continue to be a member where he has ceased to conform with such qualifications. 1976, c. 7, s. 2.

Who may
try:
alleged
contra-
vention of
subs. 2 (1)
or (2)
Applica-
tion to
Tribunal

3. The question of whether or not a member of a commodity board has contravened subsection 2 (1) or (2) may be tried and determined by the Tribunal. 1976, c. 7, s. 3; 1978, c. 100, s. 5 (2).

4.—(1) Subject to subsections (3) and (4), a producer or a commodity board may, where it comes to his or its knowledge that a member of the commodity board may have contravened subsection 2 (1) or (2), apply to the Tribunal by notice in writing for a determination of the question of whether or not the member has contravened subsection 2 (1) or (2). 1976, c. 7, s. 4 (1); 1978, c. 100, s. 5 (2).

Contents
of notice

(2) The applicant shall state in his or its notice the grounds for finding a contravention by the member of a commodity board of subsection 2(1) or (2).

Time for
bringing
application
limited

(3) No application shall be brought under subsection (1) after the expiration of the term of office of the member of the commodity board during which the contravention is alleged to have occurred.

Who may
bring
application

(4) No application by a producer shall be brought other than by a producer under the plan administered by the commodity board in respect of which the application is made. 1976, c. 7, s. 4 (2-4).

Tribunal
may
declare
seat
vacant
and
disqualify
member

5.—(1) Where the Tribunal determines, after a hearing, that a member of a commodity board has contravened subsection 2 (1) or (2), it may, subject to subsections (2) and (3) of this section, declare the seat of the member vacant and may disqualify him from being a member of the commodity board during a period thereafter of not more than seven years. 1976, c. 7, s. 5 (1).

Exception

(2) Where the Tribunal determines that a member of a commodity board has contravened subsection 2 (1) and finds that the contravention was committed through inadvertence, the member is, notwithstanding subsection 2 (1), not subject to having his seat declared vacant or to being disqualified as a member, as provided by subsection (1). 1976, c. 7, s. 5 (2); 1978, c. 100, s. 5 (2).

(3) The Tribunal may require, as a condition to the holding of a hearing under subsection (1), that the applicant pay a deposit not exceeding \$300 and the Tribunal shall refund the deposit to the applicant where the Tribunal declares the seat of the member vacant and the deposit may otherwise be forfeited to the Treasurer of Ontario.

Deposit as
condition
to holding
of hearing

(4) Where the provisions of a plan do not provide any means of electing or appointing a person to complete the term of office of a member whose seat is declared vacant under this section, the Tribunal may, by order, prescribe a method of electing or appointing a person to complete the term of office and the *Regulations Act* does not apply to such an order.

Appoint-
ment of
person to
complete
term of
office

R.S.O. 1980,
c. 446

(5) The *Statutory Powers Procedure Act* applies to any hearing held under subsection (1). 1976, c. 7, s. 5 (3-5).

Application
of
R.S.O. 1980,
c. 484

6. Where the number of members of a commodity board who cease to be members by reason of the operation of this Act is such that, at any meeting, the remaining members are not of sufficient number to constitute a quorum, then, notwithstanding any general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. 1976, c. 7, s. 6.

Quorum

7. In the event of any conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. 1976, c. 7, s. 7.

Conflict

